

MARKED UP VERSION SHOWING CHANGES MADE:

1. (Amended). An isolated HIV-1 Group O env polypeptide [having at least 80% identity with] comprising an amino acid sequence of Figure 1 (SEQ ID NO:61).

2. (Amended). An isolated HIV-1 Group O env polypeptide [having] comprising an immunoreactive portion of a polypeptide [according to claim 1] comprising an amino acid sequence of Figure 1 (SEQ ID NO:61).

#### REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1 and 2 have been amended. No new matter has been added as a result of these amendments.

#### Claim Objections

Claim 2 is objected to under 37 C.F.R. Section 1.75(c) as being in improper dependent form for failing to further limit the subject matter of the previous claim. In response to this rejection, Applicants have amended claim 2 to make it an independent claim. In view of this amendment, Applicants submit that this rejection has now been rendered moot and should be withdrawn.

#### Rejection of Claims 1 and 2 under 35 U.S.C. Section 112, First Paragraph

Claim 1 and 2 are rejected under 35 U.S.C. Section 112, first paragraph. The Examiner states that claim 1 is drawn to Group O env proteins that are 80% identical to SEQ ID NO:61. According to the Examiner, this claim encompasses Group O env proteins that have not yet been discovered and that the specification provides no basis to predict the structural and functional characteristics of the as-yet undiscovered Group O env proteins. The Examiner also says that claim 2 is even more broadly drawn to any Group O env protein that shares any one immunoreactive portion with any of the claim 1 proteins.

With respect to the cited Example, the Examiner states that these do not use SEQ ID NO:61 but are composite clones

and that these "composite" clones do not meet the limitation of claim 1 because if the whole fusion peptide is considered, then the polypeptide is less than 80% identical to SEQ ID NO:61 or if only the HIV O env portions are considered, then the portion is only 50% or less the length of SEQ ID NO:61 and could never be 80% identical even though it has 100% local identity to SEQ ID NO:61.

Claims 1 and 2 have been amended to remove the "80% identical language". Therefore, in view of this amendment, Applicants submit that this rejection should be withdrawn.

Rejection of Claims 1 and 2 Under 35 U.S.C. Section 112,  
Second Paragraph

Claims 1 and 2 are rejected under 35 U.S.C. Section 112, second paragraph as being indefinite. The Examiner says that it is not clear how the "80% identical" used in claim 1 is defined.

Claims 1 and 2 have been amended to remove the "80% identical language". In view of this amendment, Applicants submit that this rejection should be withdrawn.

Rejection of Claims 1 and 2 Under 35 U.S.C. Section 102(a)

Claims 1 and 2 are rejected under 35 U.S.C. Section 102(a) as being anticipated by EMBL and NCBI Accession No. X96526.


Claims 1 and 2 have been amended to remove the "80% identical" language. Therefore, in view of this amendment, Applicants submit that this rejection has now been rendered moot and should be withdrawn.

Conclusion

In view of the aforementioned amendments and arguments, Applicants submit that the claims 1-2 are in condition for allowance.

Should the Examiner have any questions concerning the above, she is respectfully requested to contact the undersigned at the telephone number listed below. If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account no. 23-0785.

Respectfully submitted,  
J. Hackett, Jr. et al.

  
\_\_\_\_\_  
Lisa V. Mueller  
Attorney for Applicants  
Reg. No. 38,978

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
500 W. Madison St., Suite 3800  
Chicago, IL 60661

Tel.: (312) 876-1800  
Fax.: (312) 876-2020